IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 25366 of 2004

Between:

1 Kata Posamma, w/o Koteswara Rao,
r/o Ubalanka Village, Ravulapalem Mandal, E.G.District.
2 Sajja Mahankali@ Mankalamma w/o Ramaswamy,
r/o Ubalanka Village, Ravulapalem Mandal, E.G.District.

..... PETITIONERS

AND

1 The District Collector, E.G.District at Kakinada.
2 The Mandal Revenue Officer, Ravulapalem Mandal, E.G.District.
3 The Mandal Revenue Officer, Atreyapuram Mandal, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or order or direction more particularly in the nature of writ of mandamus declaring the action of the 3rd respondent in interfering petitioners peaceful possession and enjoyment of the land in an extent of Ac.1.20 cents in (L.No.96) adjacent to survey No.235 of Ubalanka Village, Ravulapalem Mandal, East Godavari District is arbitrary, illegal and against the principles of natural justice and violative of Arts.14 & 21 of Constitution of India and consequently direct the 3rd respondent not to interfere petitioners peaceful possession and enjoyment of the land in an extent of Ac.1.20 cents in (L.No.96) adjacent to Survey No.235 of Ubalanka Village, Ravulapalem Mandal, East Godavari District and pass such other order or orders

Counsel for the PetitionerS: MR.V.NARAYANA REDDY

Counsel for the Respondents.: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action of the 3rd respondent in interfering with the petitioners' peaceful possession and enjoyment of the land in an extent of Ac 1.20 cents in (L.No. 96) adjacent to Sy.No.235 of Ubalanka village, as arbitrary and illegal and consequently direct the 3rd respondent not to interfere with the petitioners' peaceful possession and enjoyment of the above said land.

It is the case of the petitioners that being the landless poor persons they were granted Ek-sal Lease pattas of an extent of Ac 0-60 cents each in (L.No.96) adjacent to Sy.No. 255 of Ubalanka and Merlapalem village, Ravulapalem Mandal in the year 2003 and that since then they have been in possession and enjoyment of their respective lands. They developed the land and brought the same under cultivation and are raising vegetables and fruit bearing tress to eke out their livelihood. It is their further case that except the above said small extents, they do not have any other land to eke out their livelihood. The Ek-sal made in their favour is still in force. Now there is a standing crop on the said land. But the third respondent has conducted a survey and contemplating to dispossess the petitioners from their respective lands and to assign the same to some third parties. In that process, on 29-11-2004 the third respondent issued a notice under Section 107 CrPC asking the petitioners to appear before him. The action of the third respondent in interfering with the peaceful possession and enjoyment of the land by the petitioners is illegal and arbitrary. On 29.11.2004 they made a representation to the first respondent-District Collector requesting him to direct the third respondent not to interfere with their peaceful possession and enjoyment of the said land. But no action has been taken so far. Hence, the present writ petition.

Heard the learned counsel for the petitioners and the learned G.P for land revenue. Perused the material placed before me.

Admittedly, the Ek-sal lease was granted in favour of the petitioners and the same is still in force and by virtue of the same, the petitioners are in possession and enjoyment of the lands in question. Hence they shall not be dispossessed there from without following the due process of law.

With the above observations, the writ petition is disposed of. No order as to costs.

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C.V. RAMULU, J

Dt. 02-2-2005

Kvrk

To

1 The District Collector, E.G.District at Kakinada.
2 The Mandal Revenue Officer, Ravulapalem Mandal, E.G. District.
3 The Mandal Revenue Officer, Atreyapuram Mandal, E.G. District.

4. Two CCs to GP for Revenue, High Court Buildings, Hyderabad(OUT)

5. Two CD copies.